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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 KEITH EMMANUEL, et al.,

11 Plaintiffs,

12 v.

13 KING COUNTY, et al.,

14 Defendants.

CASE NO. C18-0377JLR

ORDER STAYING REMAINDER  
OF CASE

15 On July 6, 2018, the court granted in part and denied in part Defendants King  
16 County, King County Prosecuting Attorney Daniel Satterberg, and former King County  
17 Sheriff John Urquhart's (collectively, "King County Defendants") motion to dismiss and  
18 stay.<sup>1</sup> (*Id.* at 19-20.) Specifically, the court denied the motion to dismiss Plaintiff  
19 Richard Homchick's federal claims as barred by *Heck v. Humphrey*, 512 U.S. 477 (1994),  
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22 <sup>1</sup> Defendants City of Bellevue and Bellevue Police Chief Steven Mylett (collectively,  
"Bellevue Defendants") joined the motion. (7/6/18 Order (Dkt. # 25) at 1.) The court refers to  
all defendants collectively as "Defendants."

1 but granted the motion to stay Plaintiff Keith Emmanuel's and Plaintiff Charles Peters's  
 2 federal constitutional claims pending their state criminal proceedings.<sup>2</sup> (*Id.* at 19.)  
 3 Because the motion did not address resolution of Mr. Emmanuel's and Mr. Peters's state  
 4 law claims, the court ordered the parties to provide their input on that issue. (*Id.* at  
 5 18-20.) The parties' joint proposal is now before the court. (*See* Prop. (Dkt. # 26).)

6 The parties propose that the court stay the entire case until October 15, 2018. (*Id.*  
 7 at 2.) They explain that Mr. Emmanuel and Mr. Peters's criminal trial is set to begin in  
 8 King County Superior Court on September 17, 2018, and they anticipate the trial will last  
 9 three weeks.<sup>3</sup> (*Id.*) They also state that even if the state criminal proceedings have not  
 10 concluded by October 15, 2018—because of a trial continuance or appeal, for example—  
 11 they will “be in a better position [at that time] to evaluate whether and to what extent any  
 12 further stay is warranted.” (*Id.*) In addition, the parties contend that a stay will protect  
 13 Mr. Emmanuel's and Mr. Peters's Fifth Amendment rights and promote the efficient  
 14 resolution of the case. (*Id.* at 3.)

15 The court agrees, and stays the entire case until October 15, 2018. In a civil case  
 16 implicating a parallel criminal proceeding, “a court may decide in its discretion to stay  
 17 civil proceedings [in] the interests of justice.” *Keating v. Office of Thrift Supervision*, 45

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 19 <sup>2</sup> The court refers to all of the plaintiffs collectively as “Plaintiffs.”

20 <sup>3</sup> The court's order called only for the parties to address the propriety of a stay of the state  
 21 law claims by Mr. Emmanuel and Mr. Peters (*see* 7/6/18 Order at 19-20), and accordingly, the  
 22 parties address only facts related to those plaintiffs (*see* Prop. at 2-3). But the court infers that  
 the parties also propose staying the case against Mr. Homchick because they request “that this  
 entire civil action be stayed.” (*Id.* at 2.) If the parties meant otherwise, however, they may move  
 to lift the stay as to Mr. Homchick. *See infra* at 4.

1 F.3d 322, 324 (9th Cir. 1995) (internal quotation marks omitted) (quoting *Sec. & Exch.*  
 2 *Comm'n v. Dresser Indus.*, 628 F.2d 1368, 1375 (D.C. Cir. 1980)). The court should  
 3 generally consider to what extent the civil proceeding implicates Fifth Amendment rights,  
 4 as well as:

5 (1) the interest of the plaintiffs in proceeding expeditiously with th[e]  
 6 litigation . . . , and the potential prejudice to plaintiffs of a delay; (2) the  
 7 burden which any particular aspect of the proceedings may impose on  
 8 defendants; (3) the convenience of the court in the management of its cases,  
 and the efficient use of judicial resources; (4) the interests of persons not  
 parties to the civil litigation; and (5) the interest of the public in the pending  
 civil and criminal litigation.

9 *Id.* at 325. A stay would protect Mr. Emmanuel's and Mr. Peters's Fifth Amendment  
 10 right against self-incrimination, promote judicial efficiency, and unburden the parties  
 11 from litigating two proceedings at once. In addition, a stay would not prejudice  
 12 Defendants or affect the interests of the public or non-parties. Thus, the factors support  
 13 staying the entire case pending the outcome of the state criminal proceedings.<sup>4</sup>

14 The court STAYS the case until October 15, 2018, at which time the parties must  
 15 file a joint status report ("JSR") informing the court of the status of the state criminal  
 16 proceedings and providing a proposal for further proceedings in this matter. However, if  
 17 a significant development occurs before then, the court ORDERS the parties to file a JSR

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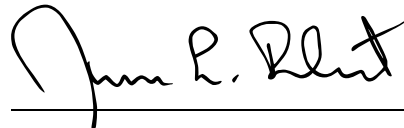
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 21 <sup>4</sup> Although Mr. Homchick is no longer involved in a parallel criminal proceeding (*see*  
 22 7/6/18 Order at 3), the court concludes that a stay of his claims would promote judicial economy  
 and would not prejudice him or the public, *see Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936);  
*Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1110 (9th Cir. 2005).

1 advising the court of the development within five (5) days of the event. At any time, any  
2 party may move to lift the stay should circumstances warrant such a motion.

3 Dated this 24th day of July, 2018.

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6 JAMES L. ROBART  
7 United States District Judge  
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